

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

Minutes

October 23, 2014

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, October 23, 2014 at 1:30 p.m., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita, Kansas. The following members were present: Matt Goolsby, Chair; Carol Neugent, Vice Chair; David Dennis; David Foster; Bill Johnson; Joe Johnson; Don Klausmeyer; M.S. Mitchell; John McKay Jr.; Don Sherman(In @1:33 p.m.) and Debra Miller Stevens. Bill Ramsey, George Sherman and Chuck Warren were absent. Staff members present were: Dale Miller, Current Plans Manager; Bill Longnecker, Senior Planner; Neil Strahl, Senior Planner; Robert Parnacott, Assistant County Counselor; Jeff Vanzandt, Assistant City Attorney, and Maryann Crockett, Recording Secretary.

1. No Minutes to approve.

2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATION**

- 2-1. **SUB2014-00036: One-Step Final Plat – CAMPBELL’S GREENHOUSE ADDITION**, located east of Broadway, north of MacArthur Road.

NOTE: This is an unplatted site located within the City of Wichita. The site has been approved for a zone change (ZON2013-00028) from SF-5 Single-Family Residential to GC General Commercial.

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department requests a No Protest Agreement for the extension of sewer. Water services are available.
- B. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- C. City Stormwater Management has approved the drainage plan.
- D. This property is within a zone identified by the City Engineer’s office as likely to have groundwater at some or all times within ten feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineer’s office.
- E. The platlor’s text needs to delete the reference to access controls.
- F. The reference in the platlor’s text to “stormwater” shall be spelled correctly.
- G. County Surveying requests to be contacted regarding the plat boundary and other details.

- H. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- I. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- J. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- K. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- L. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- M. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- N. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- O. Perimeter closure computations shall be submitted with the final plat tracing.
- P. Westar Energy requests additional easements. LaDonna Vanderford is the contact for this plat and can be reached at 261-6490. Any removal or relocation of existing equipment made necessary by this plat will be at the applicant's expense.
- Q. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

J. JOHNSON moved, **B. JOHNSON** seconded the motion, and it carried (10-0).

D. SHERMAN (In @1:33 p.m.)

3. PUBLIC HEARING – VACATION ITEMS

- 3-1. VAC2014-00031: City request to vacate a portion of a platted front setback,**
generally located midway between the Big Ditch Floodway and I-235, north of Central Avenue, on the west side of Eisenhower Avenue.

OWNER/AGENT: Elma Johnson (owner)

LEGAL DESCRIPTION: Generally described as vacating the west 10 feet of the platted 30-foot front yard setback located parallel to the east property line of the east half of Lot 4, Block A, West Central Gardens Addition and the Eisenhower Avenue right-of-way, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located midway between the Big Ditch Floodway and I-235 Highway, north of Central Avenue on the west side Eisenhower Avenue (745 N Eisenhower Avenue, WCC #V)

REASON FOR REQUEST: Garage encroaches into setback

CURRENT ZONING: Subject property and all adjacent and abutting properties are zoned SF-5 Single-Family Residential

The applicant is requesting consideration for the vacation of the west 10 feet of the platted 30-foot front yard setback located parallel to the east property line of the east half of Lot 4, Block A, West Central Gardens Addition and the Eisenhower Avenue right-of-way. Per the applicant's site plan there is a garage that encroaches 14 ½ feet into the 30-foot platted front setback. The subject corner lot is zoned SF-5 Single-Family Residential. The Unified Zoning Code's (UZC) minimum front yard setback for the SF-5 zoning district is 25 feet, which is five feet less than the subject setback. If the setback was not platted, but was the UZC's minimum 25-foot front yard setback, the applicant could have applied for an Administrative Adjustment to reduce the front yard setback by 20%, resulting in a 20-foot front yard setback. Even with the setback reduced to 20 feet, the garage still encroaches 4 ½ feet. To reduce the subject setback by more than 20% requires a variance, which is a separate public hearing process; the applicant will need to apply for a variance for consideration to remove the remaining existing encroachment. There are no platted easements located within the setback. Water is located in the right-of-way and sewer is located in the back yard of the subject site. Stormwater and franchise utilities are not impacted. The West Central Gardens Addition was recorded with the Register of Deeds September 23, 1952.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Traffic, Public Works/Water & Sewer/Storm Water, Fire, franchised utility representatives and other interested parties, Planning Staff

has listed the following considerations (but not limited to) associated with the request to vacate the described portion of the platted front yard setback.

A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:

1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time October 2, 2014, which was at least 20 days prior to this public hearing.
2. That no private rights will be injured or endangered by vacating the described portion of the platted front yard setback, and that the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Vacate only the west 10 feet of the platted 30-foot front yard setback located parallel to the east property line of the east half of Lot 4, Block A, West Central Gardens Addition and the Eisenhower Avenue right-of-way.
- (2) Further reduction of the 20-foot front yard setback established by VAC2014-00031 is contingent on approval of a variance by the BZA.
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide Public Works/Water & Sewer and franchised utilities/Westar with any needed plans for review for location of utilities. Provide a guarantee or approved plans for the relocation of any utilities. This must be provided to Planning prior going to City Council for final action
- (4) All improvements shall be according to City Standards.
- (5) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate only the west 10 feet of the platted 30-foot front yard setback located parallel to the east property line of the east half of Lot 4, Block A, West Central Gardens Addition and the Eisenhower Avenue right-of-way.
- (2) Further reduction of the 20-foot front yard setback established by VAC2014-00031 is contingent on approval of a variance by the BZA.
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide Public Works/Water & Sewer and franchised utilities/Westar with any needed plans for review for location of utilities. Provide a guarantee or approved plans for the relocation of any utilities. This must be provided to Planning prior going to City Council for final action
- (4) All improvements shall be according to City Standards.
- (5) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

DENNIS moved, **MCKAY** seconded the motion, and it carried (11-0).

PUBLIC HEARINGS

There were no public hearing items.

NON-PUBLIC HEARING ITEMS

4. **Case No.: DER2014-00004** - The City of Derby seeks Unilateral Annexation of various tracts located adjacent to the City of Derby - Resolution No. 56-2014.

Background: On September 23, 2014, the City of Derby passed Resolution No. 56-2014 authorizing a public hearing on November 25, 2014, for the purposes of considering the unilateral annexation of several properties eligible under KSA 12-520(a) and located immediately adjacent to the City of Derby.

Prior to unilaterally annexing property, Kansas statutes require that a plan be prepared indicating the means by which city services will be extended to the area proposed for annexation. The City of Derby has submitted to the MAPD, a copy of the service plan that describes in a very thorough and comprehensive way the extension of services to the annexation area.

Analysis: Kansas statutes governing unilateral annexations provide for official notification to certain local officials, including planning commissions having jurisdiction in the area. Additionally, Kansas statutes require that the planning commission review the proposal and make a finding of compatibility or

incompatibility with any adopted land use or comprehensive plans related to the area and the annexing city.

After review by staff, it has been determined that three tracts (Tracts 3, 4 and 5) of the five tracts proposed for unilateral annexation fall within the City of Derby 2030 Urban Growth Area as designated within the Wichita-Sedgwick County Comprehensive Plan *Preparing for Change*, adopted and updated by the Metropolitan Area Planning Commission and the Board of County Commission in May 2005. Two tracts (Tracts 1 and 2) are designated as 'Rural' on the aforementioned map and do not fall within the urban growth area of any city in Sedgwick County. However, all five tracts do fall within Derby's future urban growth area as identified in the latest version (December 2006) of the City of Derby Comprehensive Plan Growth Areas Map.

Recognizing the dated nature of the 2030 Urban Growth Areas Map and the fact that the proposed annexation of Tracts 1 and 2 represents a logical westward extension of the City of Derby, staff is of the view that the proposed unilateral annexation by the City of Derby is substantially consistent with the intent of the Wichita-Sedgwick County Comprehensive Plan.

Recommended Action: That the Metropolitan Area Planning Commission pass a motion finding the unilateral annexation proposed by Resolution No. 56-2014 of the City of Derby to be substantially consistent with the adopted Wichita-Sedgwick County Comprehensive Plan.

Attachments: Attachment No. 1 - Resolution No. 56-2014 and map; Attachment No. 2 - 2030 Urban Growth Areas Map, May 2005.

DAVE BARBER, City Planning Staff presented the Staff Report.

MITCHELL asked if the legal descriptions on the properties to be annexed had been approved by the County Surveyor.

BARBER said he did not know.

MCKAY asked Commissioner Mitchell if he would like verification by the County Surveyor of the legal descriptions of the properties to be annexed as part of the motion.

MITCHELL indicated he would like a report from the County Surveyor.

MOTION: That the unilateral annexation proposed by Resolution No. 56-2014 of the City of Derby is substantially consistent with the adopted Wichita-Sedgwick County Comprehensive Plan, subject to the legal descriptions of the annexed property being confirmed by the County Surveyor.

MCKAY moved, **J. JOHNSON** seconded the motion, and it carried (11-0).

5. **Case No.: Conformity of the Mosley Avenue Project Plan for the Old Town Cinema Redevelopment District with the Wichita-Sedgwick County Comprehensive Plan.**

Background: A tax increment finance district is a tool available under Kansas Statutes to stimulate

economic redevelopment. It allows a city to finance in blighted or deteriorating areas, all or a portion of public infrastructure and redevelopment costs using captured incremental real estate tax revenues or sales tax revenues generated by the redevelopment activity.

The City of Wichita via Ordinance No. 45-157 (adopted in December 2001) removed property and reduced the boundaries of the Old Town Cinema Redevelopment TIF District as originally established in 1999, in order to encourage (using tax increment financing) the redevelopment of a 43 parcel area within the City's older warehouse district. The current TIF redevelopment district is bounded on the west by Santa Fe Avenue, on the east by Washington Street, on the north by Third Street North and on the south by Second Street North. A separate document summarizing the current financial performance of the Old Town Cinema Redevelopment TIF District (City Finance Department, September 19, 2014) has been included as an attachment to this report.

Most of the structures in the District were built in the early 1900's, with a majority in warehouse use. A few retail businesses are located along Second and Washington. The condition of this area is typical of that of a seventy to ninety year old industrial section, with building structures slowly deteriorating over time. Public infrastructure (curbs, gutters, streets and street lighting) in portions of the redevelopment area is intermittent and well below current City standards.

Project Details - The Mosley Avenue Project involves the commercial redevelopment of three former warehouse buildings along both sides of Mosley Avenue between 2nd Street and 3rd Street (Project Area 2). This redevelopment will consist of roughly 62,000 sq. ft. of new commercial uses representing an extension of Old Town. The commercial redevelopment project will begin in 2015 and be completed before the end of 2018.

Public infrastructure improvements planned within Project Area 2 will be the reconstruction of Mosley Avenue from 2nd to 3rd Street, and the reconstruction of Rock Island for one-half block south of 3rd Street as brick streets with streetscape amenities and on-street parking consistent with the design of other streets in Old Town. Improvements include brick streets, approximately 33 on-street parking stalls along with a loading area near the Marriott Courtyard, nine feet wide sidewalks along each side of the streets, ornamental lighting, landscaping, benches, trash cans, and bicycle racks. It is estimated that street construction will begin in the summer of 2015 and be completed before the end of 2016 at a total cost of \$1,550,000. Tax increment financing will be used to finance these public infrastructure improvements.

The original total assessed valuation of Project Area 2 as of January 2014 for taxes payable in 2014-2015 is \$272,245. The projected total assessed valuation as of January 1, 2019 is estimated to be \$928,937. Therefore, the captured assessed valuation for Project Area 2 as of January 1, 2019 is estimated at \$656,692. It is estimated that in 2018, the property tax increment will be \$65,079. Excess TIF revenue generated by the Old Town Cinema Project Plan (Project Area 1) within the Old Town Cinema Redevelopment District will contribute to the Mosley Avenue debt service until such time as the Old Town Cinema Project Plan ends. The projected tax increment from the District will be sufficient to pay for all eligible project costs including the projected debt service on general obligation bonds issued to finance such costs.

Analysis: The MAPC is advised that the Mosley Avenue Project Plan for the Old Town Cinema Redevelopment District falls within the *Project Downtown Master Plan* which has been adopted as an element of the *Wichita-Sedgwick County Comprehensive Plan*.

Project Downtown Master Plan - The Mosley Avenue Project Plan area falls within the Downtown Master Plan's designated Old Town District, one of 15 unique districts that constitute Downtown Wichita. A key vision theme for the Old Town District is encouraging the creation of infill development opportunities through the creation of improved walkability, access and parking improvements.

The City's adopted 2011-2020 Capital Improvement Program identifies proposed public improvements to Mosley Avenue and Rock Island Street. TIF will be the funding source for these improvements.

Legal Considerations: Pursuant to K.S.A. 12-1772, each redevelopment project plan undertaken as part of a tax increment finance district must be prepared in consultation with the planning commission. Accordingly, the MAPC has a responsibility to review the proposed Mosley Avenue Project Plan and make a determination of its consistency with the Wichita-Sedgwick County Comprehensive Plan.

Recommended Action: That the Metropolitan Area Planning Commission pass a resolution finding the proposed Mosley Avenue Project Plan for the Old Town Cinema Redevelopment District to be consistent with the adopted Wichita-Sedgwick County Comprehensive Plan.

Attachments: 1. Exhibit 1 - Mosley Avenue Project Area Map (Area 2) for the Old Town Cinema Redevelopment District; 2. Mosley Avenue Project Plan for the Old Town Cinema Redevelopment District, October 23, 2014; 3. Old Town Cinema TIF District Update, Department of Finance, September 19, 2014.

DAVE BARBER, City Planning Staff presented the Staff Report.

MARK ELDER, CITY MANAGER'S OFFICE, OFFICE OF URBAN DEVELOPMENT said the Plan consists of redevelopment along Mosley Street. He said the infrastructure along this area is subpar and has not been improved in a long time. He said the plan is to improve the north half of Rock Island and Mosley from Second to Third Streets. He mentioned benches, bike racks, sidewalks, parking and use of brick in the area which will continue Old Town north an additional block. He said Public Works staff estimates that it will cost approximately \$1,500,000 for the improvements including streetscaping. He said the Financial Feasibility Study included in the Plan concludes there is the capacity to fund City improvements within the redevelopment district with Tax Increment Financing (TIF) funds. He said the Plan will also introduce office and retail into the area. He referred to several proposed visual designs of the area.

MILLER STEVENS clarified that the project will extend the TIF another 20 years.

ELDER said yes, 20 years. He said both the City and County are interested in shortening the life of the bonds if they can. He said the City's Bond Counsel has determined that the 20 years will be for Phase II of the Redevelopment District. He said when the Old Town Cinema has paid off its debt, a few years will be left that can contribute to the financing of the Mosley Avenue Project.

MITCHELL asked if a comparison of the cost between brick streets versus standard paving has been made.

SCOTT KNEBEL, PLANNING STAFF said City Engineering has evaluated the costs of both brick

and concrete and a decision has been made to go with the brick which is more expensive but will be consistent with the majority of Old Town including the sections of Mosley and Rock Island immediately south of the area.

FOSTER asked if the other entities involved with the Redevelopment District have agreed to the extension.

ELDER said input from the School District and Sedgwick County are generally sought at the creation of the District. He said staff has not had discussions with them.

KNEBEL explained that the way the State Law lays out the process is once the Planning Commission has made a recommendation to the City Council that the Plan for Old Town is consistent with the Wichita-Sedgwick County Comprehensive Plan, the other entities will be notified if and when the City Council decides to take action.

ELDER added if the Planning Commission recommends that the Plan is consistent with the Comprehensive Plan, the City Council will set a public hearing date and the School District and Sedgwick County will be notified at that time.

MILLER STEVENS clarified that there is no decision on the TIF itself, but just whether the Project can be part of the TIF.

MOTION: To approve subject to the staff recommendation.

DENNIS moved, **GOOLSBY** seconded the motion, and it carried (10-0-1). **MCKAY** – Abstained.

6. Other Matters/Adjournment

6-1. **2015 Planning Commission Hearing Dates Calendar**

MOTION: To approve the 2015 Planning Commission Hearing Dates Calendar.

J. JOHNSON moved, **KLAUSMEYER** seconded the motion and it carried (11-0).

The Metropolitan Area Planning Commission adjourned at 1:50 p.m.

State of Kansas)
Sedgwick County) ^{ss}

I, John L. Schlegel, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on _____, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this _____ day of _____, 2014.

John L. Schlegel, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

(SEAL)